THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No: 25042 of 2005

Dt.20-12-2005

Between:

E. T. Rama Rao S/o Chittibabu, Ex-driver, E.No.726699,
Aged about 35 years, r/o opp: Jute Mill, Ramanuja Kota,
C/o Sk. Ibrahim House, Pattabhuipuram Post, Guntur-6.

...PETITIONER

AND

1. The Regional Manager, APSRTC, Guntur Region,
Guntur District and another.

...RESPONDENTS

ORDER: -

The petitioner was included in the approved panel of drivers in Guntur region of Andhra Pradesh State Road Transport Corporation.

On 10-06-1999, the Depot Manager, second respondent, issued a show cause notice to the petitioner directing him to show cause as to why his name shall not be deleted from the list of drivers. It was alleged that the petitioner has caused a fatal accident. An explanation was submitted on 22-06-1999 by the petitioner. On consideration of the same, the Depot Manager, the second respondent, passed orders on 23-06-1999, directing the deletion of the name of the petitioner from the approved list.

The petitioner filed an appeal and thereafter a review, before the authorities concerned, but was unsuccessful. Hence, this writ petition.

2. Learned Counsel for the petitioner submits that the second respondent did not conduct any enquiry before directing deletion of the name of the petitioner. He further alleges that the petitioner has since been acquitted in the criminal case and whatever might be the justification for the second respondent deleting the name of the petitioner, in the year 1999, now his case deserves to be reviewed, in the light of the acquittal of the petitioner.

3. Learned Standing Counsel for the respondents Corporation, on the other hand, submits that the respondents are not under obligation to conduct any enquiry since the petitioner was not a regular member of service. He further contends that the subsequent acquittal of the petitioner cannot have any bearing on the impugned order.

4. The petitioner was subjected to certain tests and on the basis of his performance therein; he was included in the approved list of drivers. Such inclusion does not result in conferment of the status of a regular employee, on the petitioner. His name came to be deleted from the list of approved drivers, on the allegation that he was responsible for a fatal accident. Inasmuch as such order was preceded by a show cause notice, it cannot be said that there is any material procedural irregularity, in the action of removal.

5. One important development has taken place after the order of removal and the rejection of appeal and review filed against it.
The petitioner was acquitted in the criminal case, in which the charge was that he caused the accident due to rash and negligent driving.
The Corporation itself has issued circular dated 16-04-1986 directing that whenever a driver is removed from service on the allegation of rash and negligent driving he must be reinstated into service subject to certain conditions, in the event of acquittal in the case. Though the petitioner is not a regular employee of the Corporation, the principle, underlying the said circular, needs to be extended to the petitioner. The petitioner has already submitted a representation in this regard.

6. For the foregoing reasons, the writ petition is disposed of directing the first respondent to consider the representation of the petitioner dated 15-04-2005 in the light of the circular dated 16-04-1986 of the Corporation and pass appropriate orders within two months from the date of receipt of a copy of this order.

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JUSTICE L. NARASIMHA REDDY

Dt.20-12-2005

GLV